

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

No. 11111111 rec'd
LIST ABCDEF

Commission's Rules.² Piscataway submits that the Media Bureau's failure to address this issue, thereby maintaining KTM's status as an applicant, is not supported by substantial evidence in the record as a whole and relevant Commission guidelines and precedent. *Cf., 47 CFR §1.115(b)(5).*

Background and Introduction

1. By way of brief summary, this proceeding involves the application of Piscataway for renewal of license for noncommercial educational station WVPH-FM on Channel 212 in Piscataway, New Jersey, and the mutually exclusive application of KTM for authority to construct a new noncommercial educational FM station on Channel 212 in Plainfield, New Jersey, on a time sharing basis with WVPH-FM.

2. The Media Bureau issued a *Hearing Designation Order, DA 04-957 (released April 9, 2004) (hereinafter "HDO")*, wherein Piscataway, in the context of the Commission's approval of the 1998 license renewal application for Radio Station WVPH-FM, was adjudged to operate Radio Station WVPH-FM less than 12 hours each day and, therefore, was ordered to attend a special expedited hearing to establish the terms and conditions of a time sharing agreement with KTM.

3. Piscataway filed its "Petition for Reconsideration" on May 6, 2004, arguing that the Media Bureau's conclusions of fact and law in the *HDO should be* reconsidered and reversed for the following reasons:

² Piscataway raised this issue in its "Petition for Reconsideration" that was filed on May 6, 2004. The Media Bureau acknowledges the issue in Paragraph 4 of the *Order* but failed to render any conclusions of fact or law about that matter. This is an issue of basic qualifications with regard to KTM, and must be addressed.

a. The *HDO* is based upon incorrect facts, as Piscataway has been operating Radio Station WVPH-FM twenty-four hours each day, almost every day of the year since 1999. Piscataway has been a diligent full-time licensee, providing responsive public interest programming. Established Commission policy, therefore, requires the WVPH-FM license to be renewed without the imposition of an involuntary time share arrangement.

b. KTM's license renewal challenge application must be dismissed, with prejudice, since the ownership structure of KTM has materially changed since its 1998 application was submitted, thereby constituting a "major change" under Section 73.3573 of the Commission's Rules which renders the application ineligible for further consideration.

c. The conclusions of law set forth in the *HDO* demonstrate that the Media Bureau has applied Commission rules and policies in an egregiously incorrect manner and has deprived Piscataway of its due process by failing to minimally inquire about, and test, KTM's allegations between the time KTM submitted its 1998 license renewal challenge and the April 9, 2004 issuance of the *HDO*.

d. When all the facts and circumstances are considered, Piscataway is deserving of an absolute *license renewal expectancy* without the imposition of an involuntary time share arrangement.

4. In issuing the July 13, 2005 *Order*, the Media Bureau recognized much of the law and policy cited by Piscataway in its "Petition for Reconsideration" and expanded the issue designated for hearing. However, the Media Bureau did not address KTM's violation of Section 73.3573 of the Rules.

Questions Presented

- i. Whether the Media Bureau's failure to address the Section 73.3573 issue with regard to the KTM application is supported by substantial evidence in the Record as a whole and Commission policy.*

- ii. *Whether the public interest will be served by the Media Bureau's failure to address the Section 73.3573 issue.*

Discussion

5. The Commission's records in this proceeding should indicate that KTM filed its FCC Form 340 application on August 5, 1998. On Page 3 of the KTM application, KTM provided the following information about its ownership structure:

<u>Name and Address</u>	<u>Office Held</u>	<u>Director/Board Member</u>	<u>Ownership %</u>
Gary Kirkwood (no address provided)	President	Yes	25%
Thomas Mobley (no address provided)	Vice President	Yes	25%
Sandra Crofton (no address provided)	Secretary	Yes	25%
Vernon Kirkwood (no address provided)	Treasurer	Yes	25%

6. KTM's disclosure of its ownership information raises several important questions. First, at no time subsequent to the submission of its 1998 application did KTM provide the required addresses for each of its principals, despite the fact that the instructions to FCC Form 340 clearly indicated the necessity to reveal such information. Thus, KTM never provided a complete application proposal. Second -- and of much greater significance -- almost the complete ownership and governing

structure of KTM has changed since 1998 and at no time did KTM ever apprise the Commission of this fact in the context of application BPED-19980805MB./³

7. It is important to point out that while KTM did nothing to report its ownership changes within the context of application BPED-19980805MB, KTM was active before the FCC in acquiring an existing radio station. On September 13, 2002, an FCC Form 315 transfer of control application was filed by K&M Broadcasters, Inc., licensee of Radio Station WKMB-AM (32985) at Stirling, New Jersey, seeking the transfer of control of the licensee company to KTM. *See, BTC-20020913AAG*. The FCC granted this application on November 4, 2002, and the transaction was consummated in early 2003. Shortly thereafter a new FCC Form 323 Ownership Report was submitted on behalf of WKMB-AM (a copy of which is attached hereto as Exhibit No. 2), and the following important information was disclosed:

- a. All of the outstanding stock in World Harvest Communications, Inc. (the new corporate licensee of WKMB-AM) is held by KTM.
- b. The officers and board members of KTM are as follows:

Andre Crawford (Board Member) - no votes

Cynthia Crawford (Executive Secretary &
Board Member) - no votes

³ Section 1.45 of the Commission's Rules require that applicants such as KTM keep the Commission apprised on an ongoing basis of changes to the information specified in pending applications. At a minimum, KTM had thirty days in which to amend its application when a change to its ownership structure occurred. Given the fact that KTM's major change in ownership structure since 1998 requires the dismissal of its application under Section 73.3573 of the Commission's Rules, questions are raised as to whether KTM intentionally failed to amend its application so as to avoid the requisite consequences of its actions.

David Kirkwood (Board Member) - no votes

Gladys M. Harris (Board Member) - no votes

Kim Mobley (Treasurer & Board Member) -
14.2% votes

Melissa E. Prayer (Financial Secretary &
Board Member) - 14.2% votes

Miron Harris (Board Member) - 14.2% votes

Rev. Gary Kirkwood (Senior President &
Board Member) - 14.2% votes

Thomas E. Mobley (Vice President &
Board Member) - 14.2% votes

Toya-Pope Kirkwood (Board Member) - no votes

Valerie Jenkins (Board Member) - 14.2% votes

8. A comparison of the 1998 ownership structure of KTM that was reported in application BPED-19980805MB to the 2003 ownership structure of KTM that was reported in the recent WKMB-AM ownership report (as set forth in Exhibit No. 2) reveals the following dispositive changes:

- a. There were four (4) board members of KTM in 1998; there are eleven (11) board members today.
- b. There were four (4) voting board members of KTM in 1998; there are seven (7) voting board members today.
- c. In 1998, Gary Kirkwood, Thomas Mobley, Sandra Crofton and Vernon Kirkwood collectively had 100% ownership and 100% voting power; today two of the original four individuals (Sandra Crofton and Vernon Kirkwood) are no longer principals of KTM, and Gary Kirkwood and Thomas Mobley retain only 28.4% of the voting power. In other words, **since 1998 there has been a 71.6% change in the voting power of the KTM principals.**

- d. Of the eleven (11) current board members of KTM, only two (2) of those individuals were board members in 1998. Therefore, **there has been an 82% change in the board structure of KTM since 1998.**

9. It is also important to note that KTM's ownership structure changed several times between 1998 and the present, and at no time was the Commission apprised of these facts within the context of application BPED-19980805MB. KTM is a New Jersey non-profit corporation, and a review of the public files of the New Jersey State Treasurer and New Jersey Division of Revenue reveal the following:

- a. On January 11, 2001, KTM reported that it had seven (7) members. See, attached Exhibit No. 3 (copy of Certificate of Amendment to KTM's Certificate of Incorporation).
- b. On February 19, 2004, KTM reported to the State of New Jersey that it has only three (3) officers and directors -- Gary Kirkwood (President), Melissa Prayer (Secretary) and Thomas Mobley (Vice President). See, attached Exhibit No. 4 (copy of February 19, 2004 Annual Report).⁴

10. In light of the foregoing, the changes in the ownership structure of KTM triggers Section 73.3573 of the Commission's Rules, which states in pertinent part:

§73.3573 Processing FM broadcast station applications.

(a) Applications for FM broadcast stations are divided into two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations.

* * * *

A major change in ownership is a situation where the original party or parties to the application do not retain more than 50% ownership interest in the application as originally filed.

* * * *

⁴ It is interesting to note that KTM's Year 2004 Annual Report contains corporate information that is contrary to that reported in the most recent FCC ownership report for WKMB-AM.

(3) A new file number will be assigned to a reserved band application for a new station or for major changes in the facilities of an authorized station, when it is amended so as to effect a major change, as defined in paragraph (a)(1) of this section.

11. There is no question that, pursuant to Section 73.3573 of the Commission's Rules, there has been a major change in the ownership structure of KTM since 1998, which requires a new file number be assigned to KTM's 1998 application, if such circumstances permit.⁵ In this instance, KTM's application cannot be returned to the processing line and processed at a later date. Since KTM's 1998 application was filed in the context of a Public Notice filing deadline in response to the filing of the WVPH-FM license renewal application, KTM does not now have the opportunity to resurrect its application.⁶ Accordingly, KTM's

⁵ When the Commission amended its broadcast application processing policy in 1984 to adopt what is now FCC Rule 73.3573, it clearly stated that original parties to an application must retain a 50% ownership interest in the application to avoid the "major change" consequences. *See, Processing of Broadcast Applications, 56 RR 2d 941 (1984)*. There is no question that were KTM to have amended its application as it was required to do, such an amendment would have been considered a "suicide" amendment requiring the assignment of a new file number and a dismissal of its application from consideration in the context of Piscataway's license renewal application. *See, C. Ray Helton, 66 RR 2d 1736 (M. Med. Bur. 1989) at para. 9*.

⁶ Assuming, arguendo, that the Commission could forgive KTM for failing to amend its application to report the changes in ownership, and irrespective of the "major change" implications of Section 73.3573 of the Commission's Rules, there is absolutely no justification to permit KTM to amend its application now that the *HDO* has issued. The Commission's Rules require that post-designation amendments be supported by good cause. As such, KTM would have to demonstrate that it acted with due diligence, that the amendment was not required by the voluntary act of KTM, that Piscataway would not be unfairly prejudiced by acceptance of the amendment, and that KTM would not gain an advantage if the amendment was accepted. *See, Erwin O'Connor Broadcasting Co., 22 FCC 2d 140, 143; 18 RR 2d 820 (Rev. Bd. 1970)*. KTM has not been diligent, and the acceptance of such an amendment at this late date would

application must be dismissed, with prejudice, and Piscataway's application BRED-19980427WA should be granted without any conditions.

Conclusion

The foregoing premises considered, Piscataway submits that this Application for Review be GRANTED, that the application of KTM be dismissed, with prejudice, as violative of Section 73.3573 of the Commission's Rules, and that the WVPH-FM license renewal application BPED-19980427WA be GRANTED without conditions.

Respectfully submitted,

PISCATAWAY BOARD OF EDUCATION

By: 

Cary S. Tepper
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Its Counsel

July 18, 2005

certainly prejudice the outcome of these matters.

Exhibit No. 1

July 13, 2005 "Order"

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Applications of)	
)	MB Docket No. 04-144
PISCATAWAY BOARD OF EDUCATION)	
)	
For Renewal of License)	Facility ID No. 52686
For Noncommercial Educational)	File No. BRED-19980427WA
Station WVPF(FM), Piscataway, New Jersey)	
)	
and)	
)	
KING'S TEMPLE MINISTRIES, INC.)	
)	
For a Construction Permit)	Facility ID No. 91347
For a New Noncommercial Educational)	File No. BPED-19980805MB
FM Station, Plainfield, New Jersey)	

ORDER

Adopted: July 13, 2005

Released: July 13, 2005

By the Chief, Audio Division, Media Bureau:

1. The Commission, by the Chief, Audio Division, acting pursuant to delegated authority, has before it the Petition for Reconsideration filed May 6, 2004, by Piscataway Board of Education ("PBE") regarding the *Hearing Designation Order* released April 9, 2004 (the "*HDO*").¹ For the reasons set forth below, we dismiss the Petition under Section 1.106(a)(1) of our rules.² However, as also explained below, on our own motion we modify the *HDO* to vacate our conditional grants of the above-captioned applications, return both applications to pending status, expand the issue designated for hearing, and order certain action by the presiding Administrative Law Judge.³

¹ *Piscataway Board of Education*, 19 FCC Rcd 6291 (MB 2004). The presiding Administrative Law Judge issued an Order on his own motion, staying the hearing pending action on PBE's Petition. Order, MB Docket No. 04-144 (FCC 04M-18) (rel. May 13, 2004). On May 19, 2004, King's Temple Ministries, Inc. ("KTM") filed an Opposition to Petition for Reconsideration ("Opposition"). KTM indicated in its Opposition that it has changed its name to King's Temple Ministries World Outreach Church, Inc. For clarity, we continue to use the name King's Temple Ministries, Inc. herein. PBE filed a Reply to Opposition to Petition for Reconsideration on May 24, 2004.

² 47 C.F.R. § 1.106(a)(1).

³ See, e.g., *Richard Bott II*, 8 FCC Rcd 7303 (1993) (dismissing petition for reconsideration and modifying initial designation order). See also *infra* note 11.

BACKGROUND

2. PBE timely filed the above-captioned renewal of license application for noncommercial educational ("NCE") FM station WVPH(FM) on Channel 212 in Piscataway, New Jersey. KTM timely filed the above-captioned application for authority to construct a new NCE FM station on Channel 212 in Plainfield, New Jersey, on a time sharing basis with WVPH(FM). KTM stated that PBE had not operated WVPH(FM) at least 12 hours per day each day of the year during the renewal period, and thus asserted that it should be permitted to share time with PBE pursuant to Section 73.561(b) of our rules.⁴ PBE failed to contest KTM's proposal until after the *HDO* was released, and neither PBE nor KTM submitted any other information to the Commission while their respective applications remained pending.

3. In the *HDO*, the staff construed Section 73.561(b) to require, under the circumstances presented in this case, that the current licensee "share use of the frequency upon grant of an appropriate application proposing [a] share time arrangement."⁵ Noting that the parties had attempted without success to reach an agreement on a schedule of times to be used by each, the staff further concluded that, "if no qualifications issues arise regarding the renewal or new station applicant(s), the rules require the Commission to set the matter for expedited hearing on the issue of sharing time."⁶ The staff examined the applications and found no qualifications issues regarding either party. Further, the staff found "that conditional grant of both Piscataway Board's renewal application and King's Temple's application for a new NCE FM station . . . will serve the public interest, convenience, and necessity."⁷ Pursuant to Section 73.561(b)(2) as construed by the staff, the matter was designated "for an expedited hearing limited solely to the issue of sharing time."⁸

4. In its Petition, PBE asserts that KTM's competing application must be dismissed under Section 73.3573 of our rules⁹ because KTM's ownership allegedly changed significantly during the pendency of that application. Moreover, PBE argues that insofar as KTM failed to notify the Commission of such ownership changes, KTM violated Section 1.65 of the rules.¹⁰ In addition, notwithstanding the fact that WVPH(FM)'s license term under review ended on June 1, 1998, PBE proffers that the station has operated on a full-time schedule since May 1999 and that its license should therefore be renewed without the imposition of an involuntary time sharing arrangement. Citing Commission decisions,¹¹ PBE also argues that Section 73.561(b) does not require PBE to share time with

⁴ See 47 C.F.R. § 73.561(b).

⁵ *HDO*, 19 FCC Rcd at 6292 (citing 47 C.F.R. § 73.561(b)).

⁶ *Id.* (citing 47 C.F.R. §§ 73.561(b)(1) and (2)).

⁷ *Id.* (citing 47 C.F.R. § 73.561(b)(2)).

⁸ *Id.*

⁹ 47 C.F.R. § 73.3573.

¹⁰ 47 C.F.R. § 1.65.

¹¹ PBE cites to *Seattle Public Schools*, 60 R.R.2d 1073 (1986) ("*SPS II*") (modifying on reconsideration issues specified in the initial hearing designation order), and *Seattle Public Schools*, 4 FCC Rcd 625 (Rev. Bd. 1989) (continued....)

KTM under any circumstances. Rather, PBE asserts, the rule requires that the Commission designate for hearing the issue of whether a time sharing arrangement would best serve the public interest. Finally, PBE contends that because the staff failed to send an inquiry letter prior to issuing the *HDO*, PBE was deprived of due process.

DISCUSSION

5. Under Section 1.106(a)(1), the Commission will entertain a petition for reconsideration of a hearing designation order only as to an adverse ruling with respect to petitioner's participation in the proceeding.¹² PBE, of course, has not been excluded from participation in the proceeding here. Its Petition does not even address the procedural restrictions of Section 1.106(a)(1) or attempt to justify interlocutory review, nor do we find any reason to depart from the rule in this case. The Petition is therefore dismissed as unauthorized.

6. We do, however, take this opportunity to consider on our own motion whether we should modify the issue designated for hearing in light of the Commission's Seattle Public Schools ("SPS") decisions.¹³ The Commission had before it the school system's renewal application and a competing application of Jack Straw Memorial Foundation ("Straw"). The facts presented there differed somewhat from those in this case. For example, the school system had operated the station full time during a significant portion of the renewal period and had reduced operations for only seven months. Nonetheless, we conclude that our actions in the *HDO* for the instant proceeding are inconsistent with the Commission's pronouncements in the SPS decisions regarding Section 73.561(b).

7. In the SPS initial designation order, the Commission stated that Section 73.561(b) does not "mandate" time sharing where the parties have been unable to agree on operating hours.¹⁴ The Commission construed the rule to mean that the school system was "not exempt from the possibility of forced time sharing under Section 73.561(b)" and designated the applications for hearing on the time sharing issue.¹⁵ On reconsideration, Straw maintained that "Section 73.561(b) is a *per se* rule requiring an inefficient station to share time if an appropriate application is filed, and that the share time issue should have been limited to determining the amount of time to be allocated to each party under a time sharing arrangement."¹⁶ The Commission rejected that argument.¹⁷ When it subsequently adopted (with certain modifications) the ALJ's Initial Decision, affirming grant of the school system's renewal application without imposition of a time sharing arrangement, the Commission described Straw's "rehash

(Continued from previous page) _____
(affirming the ALJ's ultimate grant of the School System's renewal application) ("*SPS Final Decision*"). See Petition at 10-12.

¹² 47 C.F.R. § 1.106(a)(1). See, e.g., *Trinity Broadcasting of Florida, Inc.*, 9 FCC Rcd 2567 (1994).

¹³ Cf. *Pillar of Fire*, 2 FCC Rcd 519 (1987) (denying Application for Review but finding applicant raised important matter warranting further discussion and clarification).

¹⁴ *Seattle Public Schools*, 103 F.C.C.2d 862, 865 (1986).

¹⁵ *Id.* (emphasis added).

¹⁶ *SPS II*, 60 R.R.2d at 1074.

¹⁷ *Id.* at 1075-76.

of its prior assertion that Section 73.561(b) is mandatory rather than permissive” as a contention “flatly rejected by the Commission”¹⁸

8. In light of the Commission’s construction of Section 73.561(b), we now conclude that the *HDO* should include the issue of whether granting PBE’s and KTM’s applications would serve the public interest, convenience, and necessity. Accordingly, we vacate the grants of both applications and return them to pending status. We also expand the issue previously specified, as set forth below.

CONCLUSION

9. IT IS ORDERED, That pursuant to 47 C.F.R. Section 1.106(a)(1), the Petition for Reconsideration filed by Piscataway Board of Education on May 6, 2004, IS DISMISSED.

10. IT IS FURTHER ORDERED, That the conditional grant of Piscataway Board of Education’s application for renewal of license of WVPH(FM), Piscataway, New Jersey, File No. BRED-19980427WA, and the conditional grant of the mutually exclusive application of King’s Temple Ministries, Inc. for authority to construct a new NCE FM station on Channel 212 in Plainfield, New Jersey, File No. BPED-19980805MB, on a time sharing basis with WVPH(FM), as ordered in Paragraph 4 of the *Hearing Designation Order*, ARE VACATED, and the applications are RETURNED TO PENDING STATUS.

11. IT IS FURTHER ORDERED, That Paragraph 6 of the *Hearing Designation Order* IS MODIFIED to read as follows:

“6. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 309(e), the application of Piscataway Board of Education for renewal of license of WVPH(FM), Piscataway, New Jersey, File No. BRED-19980427WA, and the mutually exclusive application of King’s Temple Ministries, Inc. for authority to construct a new NCE FM station on Channel 212 in Plainfield, New Jersey, File No. BPED-19980805MB, on a time sharing basis with WVPH(FM), ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issue:

To determine whether a time sharing arrangement between Piscataway Board of Education and King’s Temple Ministries, Inc. would result in more effective use of the specified channel than would operation restricted to Piscataway Board of Education and thus better serve the public interest, and, if so, the terms and conditions of a time sharing arrangement, including the hours of the day throughout the year during which each licensee is to operate, and to set forth such terms and conditions in a written document. Such arrangement shall not include simultaneous operation of the stations.”¹⁹

¹⁸ *SPS Final Decision*, 4 FCC Rcd at 645.

¹⁹ As indicated in the *HDO*, our action in specifying the time sharing issue is not intended to preclude the parties, either before commencement of the hearing or during the hearing, from negotiating a settlement on their own.

12. IT IS FURTHER ORDERED, That in the event the applicants are otherwise qualified, the presiding Administrative Law Judge shall take the following action:

- a. If it is determined, pursuant to the issue specified above, that a time sharing arrangement between Piscataway Board of Education and King's Temple Ministries, Inc. would result in more effective use of the specified channel than would operation restricted to Piscataway Board of Education, grant the applications of both Piscataway Board of Education and King's Temple Ministries, Inc. to the extent consistent with the terms and conditions of the arrangement determined pursuant to that issue; or
- b. If it is determined pursuant to the issue specified above that operation restricted to Piscataway Board of Education would result in more effective use of the specified channel than would a time sharing arrangement between Piscataway Board of Education and King's Temple Ministries, Inc., grant the application of Piscataway Board of Education and deny the application of King's Temple Ministries, Inc.

13. IT IS FURTHER ORDERED, That pursuant to 47 C.F.R. Section 1.221(b), the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND copies of this Order, by certified mail, return receipt requested, to the parties through counsel, as listed below:

Cary S. Tepper, Esquire
Booth, Freret, Imlay & Tepper, PC
7900 Wisconsin Avenue, Suite 304
Bethesda, MD 20814-3628
Counsel for Piscataway Board of Education

John M. Pelkey, Esquire
Garvey Schubert Barer
Flour Mill Building, Fifth Floor
1000 Potomac Street, N.W.
Washington, D.C. 20007-3501
Counsel for King's Temple Ministries, Inc.

14. IT IS FURTHER ORDERED, That the Secretary of the Commission, pursuant to 47 C.F.R. Section 1.221(b), SHALL HAVE this Order or a summary thereof PUBLISHED in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

Exhibit No. 2

WKMB-AM Ownership Report

Federal Communications Commission Washington, D.C. 20554 FCC 323	Approved by OMB 3060-0010 (June 2002) FOR FCC USE ONLY
OWNERSHIP REPORT FOR COMMERCIAL BROADCAST STATIONS Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO. BOS - 20030221ABZ

Section I - General Information

1. Legal Name of the Applicant WORLD HARVEST COMMUNICATION, INC.			
Mailing Address P.O. BOX 271			
City PLAINFIELD	State or Country (if foreign address) NJ	ZIP Code 07061 -	
Telephone Number (include area code) 9086474400		E-Mail Address (if available)	
FCC Registration Number: 0008439093	Call Sign	Facility ID Number 32985	
2. Contact Representative (if other than Licensee/Permittee) JOHN M. PELKEY		Firm or Company Name GARVEY SCHUBERT BARER	
Telephone Number (include area code) 2029657880		E-Mail Address (if available) JPELKEY@GSBLAW.COM	
3. Name of entity, if other than licensee or permittee, for which report is filed			
Mailing Address			
City	State or Country (if foreign address)	ZIP Code	
Telephone Number (include area code)		E-Mail Address (if available)	
4. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Fee-exempt Report <input type="radio"/> Other			

Section II - Ownership Information

5. a. <input type="radio"/> Biennial b. <input checked="" type="radio"/> Transfer of Control or Assignment of License Permit c. <input type="radio"/> Other d. <input type="radio"/> Amendment to pending application
for the following stations: [Enter Station Information] <div style="text-align: center;">Station List</div> This Report is filed for the following stations:

Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
COMMON STOCK	V	2500	1000		1500

9. (a) List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.
[Enter Owner Information]

Owner Information

List the respondent, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the respondent, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach supplemental pages, if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and address of respondent and each party to the respondent holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the respondent first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.
2. Gender (male or female).
3. Ethnicity (check one).
4. Race (select one or more).
5. Citizenship.
6. Positional interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.
7. Percentage of votes.
8. Percentage of total assets (equity debt plus).

1. Name and Address	WORLD HARVEST COMMUNICATION, INC., P.O. BOX 271, PLAINFIELD, NJ 07061
2. Gender (male or female)	<input type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US

6. Positional Interest	LICENSEE
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	REV. GARY KIRKWOOD, P.O. BOX 271, PLAINFIELD, NJ 07061
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	PRESIDENT
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	THOMAS E. MOBLEY, 958 W. 8TH STREET, PLAINFIELD, NJ 07606
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	VICE PRESIDENT, BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	KIM MOBLEY, 958 W. 8TH STREET, PLAINFIELD, NJ 07606
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American

	<input type="radio"/> Native Hawaiian or Other Pacific Islander <input checked="" type="radio"/> White
5. Citizenship	US
6. Positional Interest	TREASURER, BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	CYNTHIA CRAWFORD, 1141 THORNTON AVENUE, PLAINFIELD, NJ 07602
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	EXECUTIVE SECRETARY, BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	MELISSA E. PRAYER, 5 DARTMOUTH AVENUE, BRIDGEWATER, NJ 08807
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	FINANCIAL SECRETARY, BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	MIRON HARRIS, 1530 GLENNWOOD DRIVE, PISCATAWAY, NJ 08854
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino

	<input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	CHAPLAIN, BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	VALERIE JENKINS, 617 CENTER STREET, PISCATAWAY, NJ 08854
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	SERGEANT AT ARMS, BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	ANDRE CRAWFORD, 1141 THORNTON AVENUE, PLAINFIELD, NJ 07062
2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	DAVID KIRKWOOD, 31 HOLLY STREET, SOMERSET, NJ 08873
---------------------	---

2. Gender (male or female)	<input checked="" type="radio"/> Male <input type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	GLADYS M. HARRIS, 1530 GLENNWOOD DRIVE, PISCATAWAY, NJ 08854
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	BOARD MEMBER
7. Percentage of votes	0.00
8. Percentage of total assets (equity debt plus)	0.00

1. Name and Address	TOYA POPE-KIRKWOOD, 31 HOLLY STREET, SOMERSET, NJ 08873
2. Gender (male or female)	<input type="radio"/> Male <input checked="" type="radio"/> Female
3. Ethnicity (check one)	<input type="radio"/> Hispanic or Latino <input checked="" type="radio"/> Not Hispanic or Latino
4. Race (select one or more)	<input type="radio"/> American Indian or Alaska Native <input type="radio"/> Asian <input checked="" type="radio"/> Black or African American <input type="radio"/> Native Hawaiian or Other Pacific Islander <input type="radio"/> White
5. Citizenship	US
6. Positional Interest	BOARD MEMBER
7. Percentage of votes	0.00

8. Percentage of total assets
(equity debt plus)

0.00

1. Name and Address

KINGS TEMPLE MINISTRIES, INC., P.O. BOX 271, PLAINFIELD, NJ
07061

2. Gender (male or female)

☐ Male
☐ Female

3. Ethnicity (check one)

☐ Hispanic or Latino
☐ Not Hispanic or Latino

4. Race (select one or more)

☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White

5. Citizenship

US

6. Positional Interest

SOLE SHAREHOLDER

7. Percentage of votes

100.00

8. Percentage of total assets
(equity debt plus)

100.00

(b) Respondent certifies that equity and financial interests not set forth in response to Question 9
(a) are non-attributable.

☐ Yes ☐ No

☒ N/A

See Explanation in
[Exhibit 2]

(c) Is the respondent or any party holding an attributable interest in the respondent also the
holder of an attributable interest in any other broadcast station or in any cable or newspaper
entities in the same market or with overlapping signals in the same broadcast service, as
described in 47 C.F.R. Sections 73.3555 and 76.501?

☐ Yes ☒ No

If "Yes", submit an Exhibit identifying the holder of that other attributable interest, listing the
call signs, locations and facilities identifiers of such other broadcast stations, and describing
the nature and size of the ownership interest and the positions held in the other broadcast,
cable or newspaper entities.

[Exhibit 3]

(d) Are any of the individuals listed in response to Question 9(a) related as parent-child,
husband-wife, brothers and sisters?

☒ Yes ☐ No

If "Yes", submit an Exhibit setting forth full information as to the family relationship

[Exhibit 4]

(e) Is respondent seeking an attribution exemption for any officer or director with duties
unrelated to the licensee or permittee?

☐ Yes ☒ No

If "Yes", submit an Exhibit identifying that individual by name and title, fully describing that
individual's duties and responsibilities, and explaining why that individual should not be
attributed an interest.

[Exhibit 5]

SECTION III - CERTIFICATION

I certify that I am SENIOR PRESIDENT

(Official Title)

of WORLD HARVEST COMMUNICATION, INC.

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 5, Section II and in no event prior to that date.)

Signature REVEREND GARY KIRKWOOD	Date 02/21/2003
Telephone Number of Respondent (Include area code) 9087537424	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 2

Description: ATTRIBUTABLE INTERESTS

LICENSEE WORLD HARVEST COMMUNICATION, INC., IS A WHOLLY-OWNED SUBSIDIARY OF NON-PROFIT KING'S TEMPLE MINISTRIES, INC. COMPLETE OWNERSHIP INFORMATION CONCERNING KING'S TEMPLE MINISTRIES, INC., IS PROVIDED IN EXHIBIT 2.

Attachment 2

Description
King's Temple Ministries, Inc. Officers and Directors

Exhibit 4

Description: WKMB(AM) FAMILY RELATIONSHIPS

ANDRE AND CYNTHIA CRAWFORD ARE HUSBAND AND WIFE;
DAVID KIRKWOOD AND TOYA POPE-KIRKWOOD ARE HUSBAND AND WIFE;
MIRON AND GLADYS HARRIS ARE HUSBAND AND WIFE;
THOMAS AND KIM MOBLEY ARE HUSBAND AND WIFE; AND
DAVID KIRKWOOD, GARY KIRKWOOD, GLADYS HARRIS AND VALERIE JENKINS ARE BROTHERS AND SISTERS.

Attachment 4

Ownership Report
FCC Form 323
World Harvest Communication, Inc.
WKMB(AM)
Stirling, NJ
Facility ID No. 32985
Exhibit 2

Ownership of WKMB(AM), Stirling, New Jersey

All of the outstanding stock in World Harvest Communication, Inc., is held by King's Temple Ministries, Inc. ("KTM"), a not-for-profit corporation. Seven of the members of the KTM Board of Directors hold a vote. As a result, each such voting member holds a one-seventh voting interest, which translates to a 14.2% voting interest in decimal form rounded to one decimal place. The Board also includes four members who serve as alternates. Vacancies on the Board are filled from this group of four alternates. This ownership report provides the requisite information with respect to all Board members, i.e., both the seven members with a full-time vote, and the four members without a full-time vote.

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Total Assets (equity plus debt)
Andre Crawford 1141 Thornton Avenue Plainfield, NJ 07062	US	Board Member	0	0
Cynthia Crawford 1141 Thornton Avenue Plainfield, NJ 07062	US	Executive Secretary Board Member	14.2	0
David Kirkwood 31 Holly Street Somerset, NJ 08873	US	Board Member	0	0
Gladys M. Harris 1530 Glennwood Drive Piscataway, NJ 08854	US	Board Member	0	0
Kim Mobley 958 W 8 th Street Plainfield, NJ 07060	US	Treasurer Board Member	14.2	0
Melissa E. Prayer 5 Dartmouth Avenue Bridgewater, NJ 08807	US	Financial Secretary Board Member	14.2	0
Miron Harris 1530 Glennwood Drive Piscataway, NJ 08854	US	Chaplain Board Member	14.2	0

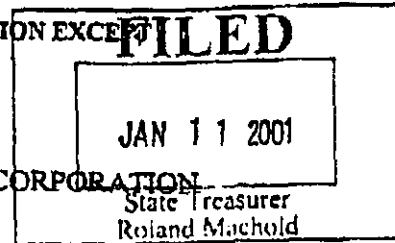
Rev. Gary Kirkwood 42 Winston Drive Somerset, NJ 08873	US	Senior President Board Member	14.2	0
Thomas E. Mobley 958 W. 8 th Street Plainfield, NJ 07060	US	Vice President Board Member	14.2	0
Toya Pope-Kirkwood 31 Holly Street Somerset, NJ 08873	US	Board Member	0	0
Valerie Jenkins 617 Center Street Piscataway, NJ 08854	US	Sergeant at Arms Board Member	14.2	0

Exhibit No. 3

KTM Certificate of Amendment dated 1/11/2001

Mail to: Secretary of State, CN-308, Trenton, N J 08625

TYPE ALL INFORMATION EXCEPT
SIGNATURE



Title 15A:9-4 New Jersey Nonprofit Corporation Act

CERTIFICATE OF AMENDMENT TO THE CERTIFICATE OF INCORPORATION
(For Use by Domestic Nonprofit Corporations)
(Must be filed 1 Triplicate)

Pursuant to the provisions of the above-cited Statute, the undersigned corporation executes the following Certificate of Amendment to its Certificate of Incorporation.

1. Names of Corporation: King's Temple Ministries, Inc.
2. Corporation Number: 01 001 431 94
3. Article 1 of the Certificate of Incorporation is hereby amended to read as follows:

Kingdom Ministries, Inc.

4. The Corporation has X does not have members.

A. For Corporations WITH members.

Number entitled to vote 7 Voting For 7 Voting Against

If any class or classes of members are entitled to vote as a class, set forth the number of members of each class, the series of votes of each class voting for and against, and the number of members present at the meeting, OR

Date of Adoption December 16, 2000

B. For Corporation WITHOUT members.

Number of Trustees Voting for Voting Against
Trustees present at meeting , OR

Date of Adoption

5. Effective Date of Amendment, if subsequent to date of filing:

Signature: [Signature] Title: President
Type Name and Title (Must be Ch. Of Bd. Pres. or Vice Pres.)

Name: GARY KIRKMAN, SR Date: 1/11/01
Type Name and Title

The purpose of this form is to simplify the filing requirements of the Secretary of State and does not replace the need for competent legal advice

5 892902
1700443
0100143194

Exhibit No. 4

KTM Year 2004 Annual report dated 2/19/2004

STATE OF NEW JERSEY
DIVISION OF REVENUE
ANNUAL REPORT STATUS

KING'S TEMPLE MINISTRIES WORLD OUTREACH CHURCH, INC.

Our records also reflect that the current registered agent/office and business addresses are:

Registered Agent/Office

*Gary Kirkwood St
42 Winston St
Somerset, NJ 08873*

Main Business Address

*117 New St
North Plainfield, NJ 07060*

Principal Business Address

*117 New St
North Plainfield, NJ 07060*

*Produced by the Corporate Records Unit
New Jersey Division of Revenue
29th day of April, 2004*

STATE OF NEW JERSEY
DIVISION OF REVENUE
ANNUAL REPORT STATUS

KING'S TEMPLE MINISTRIES WORLD OUTREACH CHURCH, INC.
0100143194

As official custodian of the State of New Jersey's business records, the Division of Revenue attests that the last available annual report for the above referenced Non Profit Corporation was filed on 02/19/2004.

Said report reflects the following as officers/directors of the business:

*Gary L Kirkwod President
42 Winston Dr
Somerset, NJ 08873*

*Melissa Prayer Secretary
5 Dartmouth Ave
Bridgewater, NJ 08807*

*Thomas E Mobley Vice President
958 W 8th St
Plainfield, NJ 07660*

Continued on next page . . .

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 18th day of July, 2005, I have served a copy of the foregoing "**Application for Review**" first-class, postage-prepaid, on the following:

*Office of General Counsel
Federal Communications Commission
445 12th Street, S.W.; Room 8C-723
Washington, D.C. 20554

*Peter Doyle
Chief, Audio Services Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.; Room 2-A360
Washington, D.C. 20554

*James Shook
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.; Room 3-A463
Washington, D.C. 20554

*#Hon. Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.; Room 1-C749
Washington, D.C. 20554

#John M. Pelkey
Garvey Schubert Barer
Flour Mill Building, Fifth Floor
1000 Potomac Street, N.W.
Washington, D.C. 20007-3501
(Counsel to King's Temple Ministries, Inc.)



Cary S. Tepper, Esq.

*/ indicates delivery by hand

#/ indicates duplicate courtesy copy via fax